

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION**

Civil Action No. 4:11-CV-00094-BO

BRUCE BANNISTER; MAX DUTTON;  
and MARION TOWLES;

Towles,

vs.

WAL-MART STORES EAST, L.P.,

Defendant.

**APPENDIX TO DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT REGARDING MAX  
DUTTON'S CLAIMS**

**G-1**

**Declaration of Adoncia Span Exhibit 1**

Email from M. DeBarros Summarizing Store 2000 Facility Assessment Review  
(8/24/2009)

Message

**From:** Marie Debarros [/O=WAL-MART/OU=HOMEOFFICE/CN=RECIPIENTS/CN=F9A0A1CD5AB011D5B13C002035673F01]  
**Sent:** 8/24/2009 9:51:47 PM  
**To:** Melody Fogarty [melody.fogarty@wal-mart.com]; Noah Johnson [noah.johnson@wal-mart.com]  
**CC:** Adoncia Spann [adoncia.spann@wal-mart.com]; Marie Debarros [alta.de\_barros@wal-mart.com]  
**Subject:** Store 2000 Facility assessment review

Hello,  
Please find below the assessment topic and then findings. If you have questions please let me know.

**Schedules printed centralized and secure**

Pharmacy manager had a printed schedule in a locked drawer in the pharmacy.

**Top 3 grass roots issues resolved and communicated to associates**

Most knew and thought resolved but Max had mini meetings with the department managers as soon as he heard about the visit.

**Job posting utilized correctly for all areas of the store**

This process is not in place and could not find Panel interview evidence.

**All evaluations on time**

Management key evals before given so they wont go late. Some have not been given but have been keyed.

**Are Hourly Supervisors following company guidelines**

No

**Hourly Supervisors Labor Trained**

Yes

**Active Sponsor program**

Not fully functioning

**The video Wal-mart: A workplace that works shown by the store manager**

Don't even have to do.

**MY Share and open door posters**

Up to date

**The lounge /restrooms clean and in good repair**

In good repair just need sign off when cleaned

Lounge cleaned and painted by management on 8/20/2009

**The facility Manager involved in the dept.**

Comes by and says HI. Answers questions as needed.

**Management utilizing customer service scheduling Check FE scorecard**

Scheduling not done. Store operating in the summer on winter store hours. Never changed in the shift generation . Store not utilizing the schedule reports and store manager not signing off on schedule each week.

**The solicitation policy being followed consistently**

Hourly's resp. for calendar and concerns around fundraising for CMN. Signs were on the front door.

**Review application of associates with less than 90 days.**

There were associates traveling to the store from Elizabeth city over 1 and a half hours away to work 4 hours.

**Reference checks complete**

Yes

**Confidential documents secure**

Yes

**Store Meetings held on all shifts**

Only 1st shift and that is not regular.

**SM conducting the final approval on all potential job offers.**

No. Sammy does them.

**New hire on-boarding process in place**

Not consistent

**Facility retention plans**

Turnover is 30% No plan in place.

**Associates / Assistant manager repose**

Do not see assistant managers and not very comfortable with.

**Open Door Policy**

Over half of the store was not comfortable with the open door. Those that were would only go to Max.

**Management practicing CBWA**

Managers to their own testament do not do this.

**Facility utilizing attendance tracking**

No

**Breaks and Lunches on time**

They were slow to get but got them.

**Equipment functioning properly**

Please find a list in earlier email.

**Recognition programs in place for total store.**

Several recognition programs in place, but they want approval verbally and daily.

**Personnel Manager utilizing People P and L.**

No

**Management following the sundown rule**

The store was split. It depended who you ask. 50/50.

**Stock Participation**

52%

**Bulletin boards pertain to wal-mart**

Yes

**Sponsor Committee in Place**

Not really

**10' rule alive and well**

No

**Management touring professional services and all areas of the facility**

Not consistently

**Market Team involved in the facility**

No.

If you have questions please let me know.

Thank you

A. Marie De Barros

Market Human Resource Manager

Market 125

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